

PUBLISHED IN THE WICHITA EAGLE ON APRIL 22, 2005
CORRECTED & REPUBLISHED MAY 24, 2005

ORDINANCE NO. 46-576

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION AND IMPROVEMENT OF CENTRAL AVENUE BETWEEN WOODLAWN AND ROCK ROAD IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for improvement of Central Avenue between Woodlawn and Rock Road in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

The part of Lot 8, Block A, First Addition to Woodlawn Village, Wichita, Kansas described as beginning at the Southwest corner of said Lot 8; thence on an assumed bearing of N 00 degrees, 00' 00" E, along the West line of said Lot 8, 25.00 feet; thence S 40 degrees 37' 59" E, 32.94 feet to a point on the South line of said Lot 8, said point being 21.45 feet East of the place of beginning; thence N 90 degrees 00' 00" W, along the South line of said Lot 8 21.45 feet to the place of beginning.

And temporary construction easements for driveway and road construction in and to the following-described tracts, to-wit:

Those parts of Lot 8, Block A, First Addition to Woodlawn Village, Wichita, Kansas described as being the West 17.00 feet of the North 50 feet of the South 125 feet of said Lot 8 and South 20.00 feet of the East 55.00 feet of the West 125.00 feet of said Lot 8.

SECTION 3. That the City Attorney is hereby authorized and directed to

commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 19th day of May, 2005.

CITY OF WICHITA

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law